

Sec. 2-316. - Creation; composition.

The contractors examining board is created, to consist of the following seven members appointed by the city commission:

- (1) One general contractor.
- (2) One master electrician.
- (3) One master plumber.
- (4) One land surveyor, architect or registered professional engineer.
- (5) One roofer.
- (6) Two consumer representatives.

(Code 1986, § 14.01)

Sec. 2-317. - Terms of office; qualifications; removal; vacancies.

- (a) The members of the **contractors board** of examiners shall be appointed for terms of two years from January 1 in the year of appointment, and thereafter biannually before January 1 of each year for terms of two years each or until their successors are appointed and confirmed.
- (b) All members of the board shall be city residents or shall own or work for businesses licensed to operate in the city.
- (c) Any member of the contractors examining board may be removed from office by a majority vote of the city commissioners.
- (d) Any vacancy occurring during the unexpired term of office of any member of the contractors examining board shall be filled by the city commission for the unexpired term, within 30 days after such vacancy occurs.

(Code 1986, § 14.02)

Sec. 2-318. - Officers.

- (a) The director of public service shall serve as secretary of the contractors examining board. The secretary shall be permitted to designate a staff member to serve in his stead.
- (b) The board shall elect a chairperson and such other officers as may be necessary from among its members. Terms of all officers shall be two years, beginning with their election, with elections to be held at the first meeting in January biannually.

(Code 1986, § 14.03)

Sec. 2-319. - Meetings; minutes; quorum.

- (a) The contractors examining board shall hold not less than four regular meetings each fiscal year.
- (b) Meetings shall be called by the chairperson of the board and in his absence by the vice-chairperson of the board.
- (c) All minutes of board meetings shall be public records, except those portions which are of a confidential nature. All minutes shall be kept in the office of the zoning and building department.
- (d) Four members of the fully appointed board shall constitute a quorum at any meeting, and a majority vote of those present shall be required to make any decision.

(Code 1986, § 14.04)

Sec. 2-320. - Employees.

For the purpose of administering article III of chapter 18, the contractors examining board may call on the city manager to furnish such employees as may be necessary to carry on or assist the board in performing its duties.

(Code 1986, § 14.05)

Sec. 2-321. - Rules and regulations.

The contractors examining board may make such rules and regulations as are consistent with the general policies of article III of chapter 18, including the power to administer oaths and subpoena witnesses in the manner provided for subpoenaing witnesses in the county court.

(Code 1986, § 14.06)

Sec. 2-322. - Powers and duties.

(a) The contractors examining board shall have the power to:

- (1) Determine if a license or certificate of competency of any contractor should be suspended for any violation of chapter 14, article III of chapter 18 and article II of chapter 34 and fix the length of time for such suspension;
- (2) Revoke the license or certificate under the provisions of chapter 14, article III of chapter 18 and article II of chapter 34;
- (3) Appoint a city employee to investigate any complaints made against a licensed contractor and determine whether it shall take administrative action against the contractor, including the levying of a fine in accordance with section 2-324;
- (4) Direct the city's investigator to initiate prosecution for an alleged violation against the contractor; and
- (5) Call upon members of the industry to advise and assist it.

(b) The examining board shall have the power to examine and issue certification to plumbers and electricians, as set forth in section 2-325.

(Code 1986, § 14.07)

Sec. 2-323. - Mediation board.

(a) The examiners mediation board is created, the membership of which shall be made up of the members of the contractors examination board. The public service director shall serve as secretary and shall have no vote.

(b) The examiners mediation board shall meet at the call of the chairperson and shall make such rules and regulations and shall keep such records as are consistent with the requirements and policies of sections 18-152 through 18-155 and 18-158 through 18-161. Four members shall constitute a quorum, and decisions shall be made by majority vote. Members shall not receive any compensation.

(c) The examiners mediation board shall be empowered to decide questions arising which pertain to or are applicable to article III of chapter 18, with the exception of any matter concerning plumbing.

(d) Matters to be considered by the examiners mediation board may be referred to it by the secretary of the board, or the matter may be initiated by the examiners mediation board.

Sec. 2-324. - Disciplinary proceedings.

(a) *Report of complaint; petition of bankruptcy.* The secretary of the contractors examining board may upon his own motion or shall upon a sworn complaint in writing of any person investigate or cause to be investigated by a special investigator appointed by the board the charges against any contractor qualified and submit a written report to the examining board. Irrespective of the foregoing, upon the filing of petition of bankruptcy by or against a qualified contractor, the secretary of the board shall immediately suspend the certificate of competency and report the matter to the examining board for revocation action.

(b) *Decision on report.* The examining board, upon receipt of a report conveyed to it pursuant to subsection (a) of this section, shall decide if the report makes a prima facie showing of a violation of chapter 14, article III of chapter 18 and article II of chapter 34 and, if so, shall take one or both of the following actions:

(1) Instruction of the secretary to send, by registered mail, a letter to the qualified contractor to his last known address, as shown by the board's records, setting out the name of the complainant, the time of commission of the alleged offense, and the specific section of the contractors' regulations in article III of chapter 18 alleged to be violated, and notification of the qualified contractor to appear before the board at a time and place fixed, not sooner than 20 days from the mailing of the registered letter, to show cause why his certificate of competency should not be suspended or revoked.

(2) Instruction of the investigator or complainant to file a sworn affidavit for the arrest of the qualified contractor if he has violated any of the sections of chapter 14, article III of chapter 18 and article II of chapter 34.

(c) *Hearing.* A hearing shall be conducted in accordance with the following:

(1) The administrative hearing provided for in subsection (b) of this section shall be open to the public.

(2) The proceedings at the hearing shall be recorded and may be transcribed at the expense of the party requesting the transcript.

(3) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if the board finds it competent and reliable, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible in civil actions. The rules of privilege shall be effective to the same extent that they are or may be recognized in civil actions. Irrelevant and unduly repetitious evidence shall be excluded.

(4) Each party shall have the right to:

a. Call and examine witnesses;

b. Introduce exhibits;

c. Cross examine opposing witnesses on any matter relevant to the issues, even though that matter was not covered in the direct examination;

d. Impeach any witness, regardless of which party first called him to testify; and

e. Rebut the evidence against him.

(5) A decision shall be made by the examining board by a majority of the entire board within five days after the close of the hearing. The decision shall be one of the following as is relevant:

a. Not guilty.

b. Suspension of the certificate of competency, stating the time.

c. Revocation of the certificate of competency, naming the effective date.

d. Issuance of a letter of reprimand stating the nature of the offense and the action required for correction. A copy of the letter shall also be retained by the building department in a file pertaining to the party. This option shall not be available, however, where the contractor is found to have violated the same provision which was the subject of a prior letter of reprimand.

e. Imposition of an administrative fine up to but not to exceed \$250.00 per violation for a first violation or \$500.00 per violation for a repeat violation for each of the charges upon which a contractor has been found in violation by the board. The board may also impose the administrative costs incurred in investigating and hearing a complaint, which cost shall be set at seven percent of the administrative fine or \$100.00, whichever is greater. This penalty may be imposed alone or in addition to the penalties set forth in subsections (c)(5)a through (c)(5)d, inclusive, of this section. Failure of the contractor to pay the fine within 20 days of issuance of the notice by the board of such fine shall result in the administrative suspension by the city's chief building official of the contractor's certificate of competency, if any, until payment is made. A certified copy of an order of the board imposing a penalty under this subsection may be recorded in the public records of the county and thereafter shall constitute a lien against any real or personal property

owned by the violator. After three months from the filing of any such lien that remains unpaid, the board may authorize the city attorney to foreclose on the lien.

(d) *Appeal.* An appeal from the decision of the contractors examining board may be made by the contractor involved to the circuit court of the sixteenth judicial circuit in and for the county within 20 days, but not thereafter.

(Code 1986, § 14.09)

Sec. 2-325. - Examination of plumbers and electricians.

(a) Every person engaged in or working at the business of electrician or plumber, either as a master plumber or electrician, employing plumber or electrician or journeyman plumber or electrician, shall make written application to the contractors examining board for examination as to such applicant's ability and fitness to engage in such work.

(b) Upon receipt of an application for an electrician's or a plumber's examination, the board shall cause the applicant to be notified in writing of the time and place of the next examination to be held.

(c) The examination required by this Code shall be held by or under the direction of the board and shall be designed to test all applicants' practical ability and technical knowledge of electricity, plumbing work, ventilation, water supply, etc.

(d) If an applicant for an examination required by this Code passes the examination and the board is satisfied with his competency, the board shall issue a certificate to such applicant to engage in the business of electrician or plumbing, either as a master plumber or electrician, employing plumber or electrician, or journeyman plumber or electrician, as the case may be.

(e) The fee to be charged for the examination of an applicant to engage in the business of master plumber or electrician shall be \$50.00, and every person to whom a certificate shall be issued shall register and renew his certificate on or before January 1 of each year, and for such registration and renewal of the certificate shall pay the sum of \$50.00.

(1) The cost of such annual renewal fee for the master plumber's or electrician's certificate shall be credited to the cost of the license fee for a plumbing or electrical contractor under section 66-109. To be entitled to such credit, a master plumber or electrician shall have a bona fide plumbing or electrical contractor business in a properly zoned area in the city.

(2) A master plumber or electrician who possesses a master plumber or electrician certificate and who desires to become inactive as a master plumber or electrician may purchase annually an inactive renewal certificate from the city, for the sum of \$2.00, to retain his status as a master plumber or electrician and shall not be required to purchase an active renewal certificate for \$50.00 or purchase a business tax receipt; provided, however, the master plumber or electrician at any time thereafter may, upon payment of the renewal fee of \$50.00, regain the status of an active master plumber or electrician.

(f) The fee to be charged for the examination of a person desiring to engage in the business as journeyman plumber or electrician shall be \$15.00, and each journeyman plumber or electrician to whom such certificate shall be issued shall, on or before January 1 of each year, register and renew his certificate, and for such registering and renewal of the certificate shall pay the sum of \$2.00.

(g) Any master plumber or electrician who is employed by the city or the county as a plumbing or an electrical official and who does not actively engage in the plumbing or electrical trade is exempt from payment of any renewal fees, and the proper authorities shall issue the certificate to such master plumber or electrician without cost.

(h) A certificate issued by the board under this section shall be effective only in the city. No certificate issued by any other similar board shall be recognized as valid in the city.

(i) A nonresident plumbing or electrical contractor holding a license in another city shall also be obliged to make written application to the board for examination as to his ability and fitness to engage in the business of plumbing or electrician as a master plumber or electrician and shall take the examination as provided.

(j) The duties of the board under this section may, at the direction of the city manager, be performed by the chief building official. Any applicant for a certificate to engage in the business of plumbing or electrician as provided by this Code shall be deemed to have complied with the examination requirements of this section upon proof of a timely passing score on any examination administered according to laws of the county, so long as such examination shall be identical to the examination administered by the city.